S.B. Civil Misc. Appeal No.785/2005

Modaram vs. Poornaram and others.

Date : 27.7.2005

HON'BLE MR. PRAKASH TATIA, J.

Mr. MC Bishnoi, for the appellant.

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Heard learned counsel for the appellant.

The appellant is aggrieved against the award of low compensation as the Tribunal has awarded Rs.2,29,000/- in injury case.

It is not in dispute that the appellant suffered two fractures in both the legs and the doctor certified that the appellant suffered permanent disablement of 25%. The appellant was awarded Rs.4,000/- for medical expenses for which he produced cash memos of medicines. The Tribunal awarded Rs.30,000/- for loss of income for six months. Looking to the facts of the case for permanent disablement to the extent of 25%, the Tribunal awarded compensation of Rs.1,65,000/-. By this, a total of Rs.2,29,000/- has been awarded to the appellant as compensation.

Looking to the injuries which the appellant suffered as well as the disability, I do not think that the compensation awarded by the Tribunal can be said to be low in any manner. The compensation awarded is just and adequate.

Learned counsel for the appellant submits that the tribunal has awarded low interest. After going through the facts of the case, I do not find any reason for giving any more interest when the Tribunal has awarded a huge compensation of Rs.2,29,000/-.

Accordingly, this appeal, having no merit, is hereby dismissed.

(PRAKASH TATIA), J.

S.Phophaliya